



2014-086

STATE OF ALABAMA  
OFFICE OF THE ATTORNEY GENERAL

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Honorable Kristi Jennings  
Board Chairperson  
Alabama Electronic Security Board of Licensure  
7956 Vaughn Road, PMB 392  
Montgomery, Alabama 36116

Electronic Security Board – Licenses  
and Permits – Locks – Exemptions –  
Law Enforcement

The mere deactivation of a normally functioning lock is not a “service” as defined by section 34-1A-1 of the Code of Alabama. Persons engaging in this activity are not subject to regulation by the Alabama Electronic Security Board.

Dear Ms. Jennings:

This opinion of the Attorney General is issued in response to your request.

QUESTIONS

(1) Is a person who, with the consent of the owner, deactivates locks on buildings and cars with a key that he or she has manufactured, or other device, engaged in locksmith activity regulated by the Electronic Security Board (“Board”) pursuant to section 34-1A-1, *et seq.*, of the Code of Alabama?

(2) Are sheriffs, police officers, and firemen who engage in similar activities subject to licensure by the Board?

### FACTS AND ANALYSIS

According to your request and information included therewith, you are essentially questioning whether persons, including law enforcement officers, who perform the service of using a tool or device to deactivate a normally functioning lock are “locksmiths” for purposes of section 34-1A-1, *et seq.*, of the Code. ALA. CODE §§ 34-1A-1 to 34-1A-11 (2010, Supp. 2013).

Section 34-1A-3 of the Code authorizes the Board to license qualified locksmiths regulated by the Board. ALA. CODE § 34-1A-3 (Supp. 2013). The definition of “locksmith,” recently amended by Act 2014-160, is defined as follows:

A person or business entity that offers to undertake, represents itself as being able to undertake, or does undertake the ***installation or service of locks*** for motor vehicles or for residential or commercial use. The term does not include a person whose financial compensation from services as a locksmith for the installation or service of locks for residential use does not exceed five hundred dollars (\$500) annually and who does not advertise for his or her services as a locksmith.

ALA. CODE § 34-1A-1 (as amended by 2014 Ala. Acts No. 2014-160).

“Installation” is defined as “[t]he initial placement of equipment or the extension, modification, or alteration of equipment after initial placement. *Id.* “Service” is defined as the “[n]ecessary repair in order to return the system to operational condition.” *Id.*

Section 34-1A-1 of the Code does not define “repair.” Under the established rules of statutory construction, however, words used in a statute must be given their natural, plain, ordinary, and commonly understood meaning, and where plain language is used, a court is bound to interpret that language to mean exactly what it says. *Ex parte Cove Properties, Inc.*, 796 So. 2d 331, 333-34 (Ala. 2000). Black’s Law Dictionary defines “repair” as “[t]he process of restoring something that has been subjected to decay, waste, injury, or partial destruction, dilapidation.” BLACK’S LAW DICTIONARY 1490 (10<sup>th</sup> ed. 2014).

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Similarly, Webster's defines "repair" as "to restore by replacing a part or putting together what is torn or broken." WEBSTER'S THIRD NEW INTERNATIONAL DICTIONARY 1923 (2002).

Based on the foregoing, it is the opinion of this Office that "service," as defined in section 34-1A-1 does not include the mere use of a device to deactivate a normally functioning lock. Because the answer to your first question is in the negative, your second question is moot.

#### CONCLUSION

The mere deactivation of a normally functioning lock is not a "service" as defined by section 34-1A-1 of the Code. Persons engaging in this activity are not subject to regulation by the Alabama Electronic Security Board.

I hope this opinion answers your questions. If this Office can be of further assistance, please contact Ben Baxley of my staff.

Sincerely,

LUTHER STRANGE

Attorney General

By:

A handwritten signature in cursive script that reads "Brenda F. Smith".

BRENDA F. SMITH

Chief, Opinions Division

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